

2007 DRAFTING REQUEST

Bill

Received: **11/09/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Do not call: threats by telemarketers, list expiration

Instructions:

Redraft 2005 AB 415

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 11/10/2006	lkunkel 11/14/2006		_____			State Crime
/1			rschluet 11/14/2006	_____	lparisi 11/14/2006	sbasford 11/15/2006	

FE Sent For:

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<END>

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/?	csundber	1/1mk"/14		_____	_____	_____	_____

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ln: 11/10/06

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2005 - 2006 LEGISLATURE

0650/1
LRB-12071
CTS:lmk/jf

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stays

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2005 ASSEMBLY BILL 415

D-note

LPS: PLS/PWF

May 10, 2005 - Introduced by Representatives SCHNEIDER, LEHMAN, PRIDEMORE, AINSWORTH, SEIDEL, ALBERS and TRAVIS, cosponsored by Senators DARLING and TAYLOR. Referred to Committee on Energy and Utilities.

Reagan

✓

- 1 AN ACT *to amend* 100.52 (1) (d), 100.52 (1) (f), 100.52 (2) (b) and 100.52 (10) (a);
2 and *to create* 100.52 (1) (bm), 100.52 (4) (a) 4. and 100.52 (10) (c) of the statutes;
3 **relating to:** certain telephone solicitations and creating a penalty.

Analysis by the Legislative Reference Bureau

and Current law imposes certain restrictions upon telephone solicitors, including the following: (1) a telephone solicitor may not make a telephone solicitation to a residential customer if the residential customer's telephone number is included in a directory of residential customers who do not wish to receive telephone solicitations (directory); (2) a telephone solicitor may not make a telephone solicitation to a nonresidential customer who has provided notice to the telephone solicitor by mail that the nonresidential customer does not wish to receive telephone solicitations. ✓

Under current law, the definitions of residential customer and nonresidential customer do not include mobile telephone customers. ✓ This bill broadens the definitions of residential customer and nonresidential customer to include persons who have commercial mobile service. ✓ As a result, under the bill, cellular telephone numbers may be included in the directory and telephone solicitors may not make telephone solicitations to such cellular telephone numbers. ✓ Also under the bill, a nonresidential cellular telephone customer may provide notice by mail to a telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations. ✓

Current law also requires a residential customer who does not wish to receive telephone solicitations to provide biennial notice to the Department of Agriculture,

ASSEMBLY BILL 415

Trade and Consumer Protection (DATCP).[✓] DATCP must eliminate a customer who fails to give the required notice from the directory. The bill extends the length of time for which a residential customer's notice to DATCP remains effective: under the bill, a residential customer must provide the required notice every five years.[✓]

Finally, the bill prohibits a telephone solicitor or an employee or contractor of a telephone solicitor from threatening violence or harassment against the recipient of a telephone solicitation, against a member of the recipient's household, or against the recipient's property.[✓] A telephone solicitor, employee, or contractor who violates this prohibition with intent to frighten, intimidate, threaten, abuse, or harass may be sentenced to a term of imprisonment of not more than three years and six months, a fine of not more than \$10,000, or both.[✓]

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.52 (1)[✓] (bm) of the statutes is created to read:

2 100.52 (1) (bm) "Commercial mobile service" has the meaning given in s. 196.01
3 (2i).[✓]

4 PwF **SECTION 2.** 100.52 (1) (d) of the statutes is amended to read:

5 100.52 (1) (d) "Nonresidential customer" means a person, other than a
6 residential customer, who is furnished with telecommunications service or
7 commercial mobile service[✓] by a telecommunications utility.

8 PwF **SECTION 3.** 100.52 (1) (f) of the statutes is amended to read:

9 100.52 (1) (f) "Residential customer" means an individual who is furnished
10 with basic local exchange service or commercial mobile service[✓] by a
11 telecommunications utility, but does not include an individual who operates a
12 business at his or her residence.

13 PwF **SECTION 4.** 100.52 (2) (b) of the statutes is amended to read:

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0650/1dn

CTS:.....

Imk

(date)

✓
Rep. Schneider:

This is a redraft of 2005 AB 415.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0650/1dn
CTS:lmk:rs

November 14, 2006

Rep. Schneider:

This is a redraft of 2005 AB 415.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Duerst, Christina

From: Schneider, Marlin
Sent: Wednesday, November 15, 2006 9:03 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0650/1 Topic: Do not call: threats by telemarketers, list expiration

Please Jacket LRB 07-0650/1 for the ASSEMBLY.